IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.MC.No. 1927 of 2007()

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PETITIONER: ACCUSED NO.3

SAJAN K. POULOSE, AGED 54,
S/O. K.M.POULOSE, PROPRIETOR, COCHIN ARMOURY,
NARAKATHARA ROAD, KOCHI-35.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE S.I. OF POLICE, HARBOR POLICE STATION,
(CRIME 11/07) REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl. M.C. No.1927 Of 2007

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Dated this the 27th day of June, 2007

ORDER

Petitioner is the 3rd accused, He has filed the petition under Sec.482 Cr.P.C. to quash the FIR registered.

2. Shorn of unnecessary details, the crux of the dispute is whether certain firing instruments which were allegedly brought into India in a clandestine manner do contravene the provisions of the Arms Act or not.

3. It is the case of the prosecution that the seized articles are fire arms and they have been brought into India in a clandestine manner in violation of the provisions of the Arms Act.

4. The petitioner has a contention that the articles seized are air guns etc. which do not violate the the Arms Act.

5. The prosecution has a different case. The learned Public Prosecutor submits that the articles in question have been sent to the forensic expert for examination. If on such examination of the expert, it is found that the said articles do not attract the provisions of the Arms Act, appropriate decision shall be taken and final report shall be filed. On the contrary if it is found that the provisions of the Arms Act,

are attracted, appropriate further action will have to be taken. At any rate, I am unable to grant the prayer for quashing of the FIR. The investigation is in progress. The investigation has to continue to ascertain whether the proceedings against the accused will have to continue or not. The report of the expert of the Forensic science laboratory appears to be absolutely essential. If the investigation is quashed, the vital data will not be available.

6. In these circumstances, I find no merit in the prayer quashing the FIR. This Crl.M.C. is accordingly dismissed.

(R.BASANT, JUDGE)

sj